

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ISRAEL SMITH, an infant by his parent
Gaydreon Burns and GAYDREAN BURNS,
individually

Plaintiffs,

INFANT COMPROMISE ORDER
and ORDER OF DISMISSAL

-against-

THE CITY OF NEW YORK and JOHN DOES 1-5
(representing unidentified police
officers of the New York City Police
Department), sued individually and in
their official capacities

03-CV-9374 (KMW)

Defendants.

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WOOD, U.S.D.J.:

Infant Plaintiff moves to compromise his claims and settle the above captioned action. The Court has read the declaration and the supplemental declaration of GAYDREAN BURNS, the mother and natural guardian of Infant Plaintiff, duly sworn on November 1, 2004 and March 9, 2005 respectively. The Court has also read the declaration and the supplemental declaration of Izabel Olszowa Garcia, attorney for the infant herein, dated November 9, 2004 and March 9, 2005 respectively. The Court finds that the infant is presently fourteen years old, having been born on September 3, 1990. The Court found good cause to excuse Infant Plaintiff, his mother and his attorney from appearing before the Court for an Infant Compromise Hearing, and the Court finds good cause to issue this Infant Compromise Order. It is hereby,

ORDERED, that Gaydreon Burns is authorized and empowered to

settle the infant's cause of action against Defendants herein for violation of his civil rights for the total sum of SIX THOUSAND FIVE-HUNDRED (\$6,500) DOLLARS upon payment of said sum by Defendants, or its insurer, and it is further;

ORDERED, that Defendants pay Izabel Olszowa Garcia, Esq., TWO THOUSAND ONE-HUNDRED SEVENTEEN (\$2,117.00) DOLLARS, as compensation for her services and it is further;

ORDERED, that Defendants pay Izabel Olszowa Garcia, Esq., the sum of ONE HUNDRED FIFTY (\$150.00) DOLLARS, as reimbursement for her expenses paid in this matter and it is further;

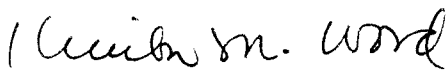
ORDERED, that the balance of said settlement, FOUR THOUSAND TWO-HUNDRED THIRTY-THREE (\$4,233.00) DOLLARS, shall be paid to GAYDREAN BURNS, the infant's parent and legal guardian, to be used solely for expenses related to the care and support of the infant and it is further;

ORDERED, that this action is hereby dismissed and discontinued without costs, and without prejudice to the right to reopen the action within sixty (60) days if the settlement is not consummated. Any pending motions are moot.

The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: New York, New York
June 29, 2005



Kimba M. Wood
United States District Judge

Copies of this Order have been mailed to counsel for the parties.